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**MAILED**

**DEC 01 2011**

**OFFICE OF PETITIONS**

In re Patent No. 5,954,295  
Issued: September 21, 1999  
Application No. 09/024,749  
Filed: February 17, 1998  
Attorney Docket No. none

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**ON PETITION**

This is a decision on the petition under 37 CFR 1.378(c), filed September 25, 2011, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks items (2) and (3) listed above.

With regards to items (2) and (3), petitioner has submitted \$2,105.00 towards the required \$2,365.00 small entity eleven and a half year maintenance fee and required \$1,640.00 surcharge, thus creating a shortage of \$1,900.00. Therefore, as stated above a \$400.00 petition fee is also required for any petition for reconsideration, bringing the total to \$2300.00. Additionally, it should be noted that the new fee schedule became effective September 26, 2011.

If this petition is not renewed or if renewed and not granted, then petitioner may request a refund of the maintenance and surcharge fees paid. The fee for requesting reconsideration is not refundable.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:      Mail Stop PETITIONS  
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By hand:      U.S. Patent and Trademark Office  
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                 401 Dulany Street  
                 Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571)-272-7751.

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